

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Allyn Bandell,)	
)	
Plaintiff,)	
)	C/A No. 4:19-cv-03447-DCC-KDW
v.)	
)	
Sonoco Products Company; Martha)	
Libby Schmitt; Charlie Schmitt; Bryan)	OPINION AND ORDER
Michael Sansbury; Josh Hatchell;)	
Edwin B Pate; City of Hartsville;)	
Hartsville, LLC d/b/a Carolina Pines)	
Regional Medical Center; Martha Libby)	
Schmitt d/b/a J. Michaels Restaurant,)	
)	
Defendants.)	
_____)	

This matter comes before the Court on Defendant Sonoco Products Company's (hereinafter, "Defendant Sonoco") Motion for Judgment on the Pleadings. ECF No. 72. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial handling and a Report and Recommendation ("Report"). On November 3, 2020, the Magistrate Judge issued a Report recommending that the Motion be denied. ECF No. 102. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Neither party filed objections to the Report within the time allowed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976).

The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2015) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (citation omitted)).

Upon review of the record, the applicable law, and the findings and recommendations of the Magistrate Judge, the Court finds no clear error and **ADOPTS** the Report. Defendant Sonoco’s Motion for Judgment on the Pleadings [72] is therefore **DENIED**. Plaintiff’s request for attorney fees associated with the Motion is also **DENIED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

November 23, 2020
Spartanburg, South Carolina